IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE V.V.S.RAO

WRIT PETITION NO.12984 OF 2003

Between:

1.P. Ravindra Reddy, S/o.P.N.N.Reddy,

R/o.Pamidi Village and Mandal,

Ananthapur District.

2.P.Nagi Reddy, S/o.P.N.N.Reddy,

R/o.Chitturu Village, Peddavaduguru Mandal

Ananthapur District.

3.P.Aswartha Reddy, S/o.P.N.N.Reddy,

R/o.Chitturu Village, Peddavaduguru Mandal,

Ananthapur District.

...PETITIONERS

And

1. Joint Collector, Ananthapur

2. Revenue Divisional Officer, Ananthapur

3. Mandal Revenue Officer, Garladinna, Ananthapur District.

4. P.N.Narsimha Reddy, S/o.Narigi Reddy,

R/o.Munthi Madugu Village,

Garladinne Mandal, Ananthapur District.

…RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of certiorari to call for the records of the 1st respondent in Dis. No.D4/5300/2002 dated 14.5.2003 confirming the orders of the 2nd respondent in D. Dis. No.D2/1541/2001, dated 22.7.2002 and quash holding them as arbitrary, illegal and contrary to principles of natural justice.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondent Nos.1 to 3:G.P. FOR REVENUE

Counsel for the Respondent No.4: MR. Y. VENUGOPAL REDDY

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12984 OF 2003

ORDER:

The three petitioners assail the order of first respondent dt.14.5.2003. Be it noted by the impugned order first respondent declined to interfere with the orders of second respondent dt.22.7.2002 against which petitioner herein filed a revision under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act). It is not necessary to give details in view of the order proposed by this

Court.

First respondent issued a notice dt.13.11.2002 to the petitioners informing that the case before first respondent is posted on 18.11.2002 and they were asked to appear before first respondent at 4.00 p.m. However, the order came to be passed on 22.7.2002 in which it is stated that hearing was allegedly held on 26.10.2002. When the hearing was scheduled on 18.11.2002 first respondent in all probability would not have conducted hearing on 26.10.2002 and passed orders on 14.5.2003. To clarify this aspect, learned Assistant Government Pleader for Revenue (General) was directed to produce necessary records from the Office of first respondent. Though the matter was adjourned for the said purpose on three occasions, learned Assistant Government Pleader submits that in spite of communications from the office of learned Government Pleader, the record has not been sent by first respondent. Taking into consideration the notice dt.13.11.2002 issued by first respondent, the impugned order dt.14.5.2003 passed by first respondent is set aside as violative of principles of natural justice. It shall be open to first respondent to consider the revision petition filed by petitioner afresh after giving the petitioner an opportunity of bearing heard. This exercise may be completed within a period of six weeks from the date of receipt of a copy of this order.

With the above observations and directions, the Writ Petition is allowed. No costs.

_____

(V.V.S.RAO, J)

23.8.2004

bnr

The Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Monday, The Twenty Third Day Of August Two Thousand And Four

REGISTRAR

To

To

1. The Joint Collector, Ananthapur

2. The Revenue Divisional Officer, Ananthapur

3. The Mandal Revenue Officer, Garladinne Mandal

Garladinne, Ananthapur District.

4. 2 CCs to G.P. for Revenue, High Court Bldgs., Hyderabad (OUT)

5. 2 CD copies.